



US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: SPK-200700336-UO

Date: June 15, 2007

Comments Due: July 16, 2007

In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) and the Utah Division of Water Quality are evaluating a permit application to construct the Angel Street Extension project, which is proposed to result in impacts to approximately 0.7 acre of Holmes Creek, a tributary to the Great Salt Lake. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and Section 401 for water quality certification.

APPLICANT: Kaysville City Corporation
Andy Thompson
23 East Center Street
Kaysville, UT 84037

LOCATION: The project site is located in Kaysville in Section 4, Township 3 North, Range 1 West, Davis County, Utah, and can be seen on the Kaysville, Utah USGS Topographic Quadrangle. More specifically, the proposed project is located at 700 South Angel Street, Kaysville, Utah. See attached Vicinity Map (Figure 1).

PROJECT DESCRIPTION: The applicant is proposing to pipe a 970-foot-long segment of a branch of Holmes Creek from Tyler's Way/Ramola Street to Smith Lane. The project would entail clearing all trees and brush in and adjacent to the existing channel, installing foundation material and concrete pipe. The channel would then be backfilled to grade with approximately 6,400 cubic-yards of material. The proposed project would result in permanent impacts to approximately 0.7 acre of waters of the United States. The approximate dimensions of the channel to be permanently impacted are 970 feet in length, 35 feet in width, and 10 feet in depth. Based on the available information, the overall purpose is a road-widening project. The project would widen Angel Street to provide for increased traffic. The City believes that piping of the historic channel will also provide an improved frontage for a new subdivision. The road will also provide access for new developments in the area as well as a new elementary school. The applicant believes there is a need to widen the road and provide curb, gutter, and sidewalk. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The site consists of a historic diversion channel off Holmes Creek. This diversion channel (branch of Holmes Creek) has existed for up to a century and has developed a mature riparian corridor approximately 35 feet wide. Vegetation at the site is characterized as mature, multi-

stratum riparian with a highly developed canopy consisting of box elder (*Acer negundo*), willow (*Salix spp.*), narrow-leaf cottonwood (*Populus angustifolia*), with upland grass and forb species comprising the herbaceous vegetation layer. Based on existing information from the Utah Division of Water Rights, water has flowed through both branches of Holmes Creek year-round since its construction. Although the channel appears to be man-made, portions of it may have followed a natural streambed.

Alternatives. The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has not proposed mitigation for the impacts to the diversion channel.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Utah Division of Water Quality, is not required for this project. The Utah Division of Water Quality intends to issue certification provided that the proposed work will not violate applicable water quality standards. Projects are usually certified where the project may create diffuse sources (non-point sources) of wastes which will occur only during the actual construction activity and where best management practices would be employed to minimize pollution effects. Written comments on water quality certification should be submitted to Ms. Shelly Quick, Utah Division of Water Quality, 288 North 1460 West, Post Office Box 144870, Salt Lake City, Utah 84114-4870, on or before **July 16, 2007**.

HISTORIC PROPERTIES: Based on the available information there are no potentially eligible cultural resources on site that may be affected by the proposed project.

ENDANGERED SPECIES: Based on preliminary review, the project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act. The Corps will not initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act unless additional information warrants consultation.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's

impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice SPK-200700336-UO must be submitted to the office listed below on or before **July 16, 2007**:

John E. Urbanic, Project Manager
US Army Corps of Engineers
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, Utah 84010-7744
Email: john.e.urbanic@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager John E. Urbanic, 801-295-8380 x13, john.e.urbanic@usace.army.mil.

Attachments: **8**